184. Administrative and other reforms.

MR. NARAYANARU KRISHNARU (*Jenmies, Trivandrum Division, Group II*) made the following suggestions for removing the hardship caused to the public on account of the working of the civil courts :—

(1) Unregistered documents produced in courts were sometimes lost or tampered with. It should therefore be ruled that it would be enough if copies of documents be produced and that the originals need be produced only when necessary.

(2) Details regarding the remittance of court fees, etc, along with the plaint should be attested by the Head Clerks of the courts. This would facilitate the preparation of decrees after the disposal of the suits.

(3) The rule requiring the Sub-Registrar's certificate so as to issue notice to *jenmies* when *jenmam* lands are brought to auction should be abrogated.

(4) A small stamp fee should be levied on certificates produced by vakils in regard to the receipt of vakils' fee. It sometimes happened that the certificates were lost.

(5) Decrees should be prepared in accordance with the judgments. If, due to any variation, the parties were put to loss, that loss should be recouped from the officers who signed the decrees.

(6) Amins who did not carry out eviction orders in accordance with the decrees should be summarily dealt with.

(7) Vakils should be asked to give receipts for the fees that they received from parties. Their accounts should be examined every month by the Munsiffs and also by the inspecting Judge.

(8) Notices should be published every month showing the amount of unspent process fees and the names of parties to whom they are due.

(9) The amounts deposited in courts should be given only on production of receipts from the parties to whom they are due.

(10) A small stamp fee should be levied on applications presented for striking cases off the file. This would prevent loss of such applications and recovery of unnecessary execution fees from parties.

(11) The judgments in certain cases were given disregarding the principles enunciated in decided cases and clear provisions of law. This should be prevented.

(12) The rule regarding the recovery of all process fees in a lump should be amended so far as suits relating to immovable properties were concerned and it should be laid down that it would be enough if such fees in repect of these properties were recovered from time to time.

(13) Munsiffs should be encouraged by giving them such promotions as they are eligible for. New recriutment of Judges over the heads of experienced Munsiffs had a demoralising effect on the latter.

LIBRARY ARCHIVES Kerala Legislative Assembly

(14) The Government did not insist on ascertaining the age of an officer at the time of his initial appointment. Instances were not wanting where the official age of an officer was far less than his real age. Arrangements should therefore be made for correctly verifying the age of an officer before he was appointed; and if any mistake was proved, the officer concerned should be severely dealt with.

(15) The Government should take prompt steps for prosecuting persons who disobeyed orders of civil courts in regard to the arrest of debtors, attachment of properties, etc., and caused bodily hurt to the officers authorised to execute such orders. If this was not feasible, the Munsiffs should be invested with Second Class Magisterial powers to deal with such offenders.

The member next said that the Stationary Magistrates were the most hardworked officers, with great responsibility. But their pay was very low. While a Police Inspector got Rs. 200 per mensem, a Stationary Magistrate who had a higher status and a greater responsibility in the maintenance of peace was getting only Rs. 125 per mensem. Their pay should be immediately enhanced to at least Rs. 175 per mensem. There were only 19 Stationary Magistrates. They should be included in the cadre of Tahsildars, who were 31 in number. These 50 officers should be classified into two grades, 17 in the first grade on a pay Rs. 200 per mensem, and 33 in the second grade on a pay of Rs. 175 per mensem. These officers could be appointed both as Magistrates and Tahsildars in turn and could be appointed as Division Assistants with advantage.

The member next spoke about the desirability of abolishing the Kulakada Special School conducted for the benefit of the Malayala Brahmins. The school was originally established with part of the funds allotted for the study of *Vedas* in the temples of the Malayala Brahmins. The Special School was of very little use to the community. The strength of the school was also small. The school might be abolished and the amount spent on it might be awarded as scholarships to Malayala Brahmin students in the higher classes in the high schools and colleges. A board consisting of the *Jenmi* members of the Sri Mulam Popular Assembly and of the Legislative Council and the Director of Public Instruction should be constituted to select the candidates to whom the scholarships should be awarded.

The Police Department, which was responsible for preserving the peace, and for ensuring the safety of the public was one of the important departments in the State service. But it was highly disappointing to note that the well-merited services of the officers of the department were not properly recognised. The pay of every member of the department was very low. A constable was paid only Rs. 9 per mensem. The pay and prospects of the staff should be improved. It would appear that the Government were contemplating to reduce the number of Police Stations as well as the number of officers in the department. This step would be unwise. The travelling allowance sanctioned to the Inspectors, and Head Constables was low and hardly sufficient to

LIBRARY ARCHIVES Kerala Legislative Assembly

cover actual expenses. Special attention should be bestowed about the recruitment of constables. Only educated persons should be recruited as constables. A few officers of the department should be deputed to Scotland Yard to be trained in detective work.

The Malayala Brahmins were inadequately represented in the public service. They formed a separate and distinct community, but their claims for representation in the public service were ignored. There were many qualified young men in the community who had tried in vain to enter Government service.

They were not also properly represented in the Legislative Council and in the Sri Mulam Popular Assembly. There was only one member in the Council representing the *Jenmies* as well as the Malayala Brahmins. There should be at least two members in the Council to represent them. There were four members in the Assembly to represent the *Jenmies*. But owing to the absence of electors in Trivandrum Division, Group 1, only 3 members were annually returned. The two groups of the Trivandrum Division should be combined and two members given to it.

DEWAN'S REPLY: Mr. Krishnaru, the irregularities pointed out by you in the administration of civil justice will be brought to the notice of the High Court; and the High Court will be asked to take steps to stop them.

The raising of pay is not a subject to be brought forward at this moment; but, you may be sure that Government will do their best to consider the question when times are better.

C.I. The future of the Special School at Kulakada is under consideration at the moment.

The number of Police Stations and officers will not be reduced except for good reasons and without due regard to efficiency.

Representation in the Assembly and in the Council is a matter which will have to be revised in the near future.

In regard to the representation of your community in public service, equal opportunities are given to them as to others; and the Recruitment Committee will consider your case also in its report.

185. Measures for safeguarding the interest of the minorities in the Travancore Legislative Council.

MR. PARAMESVARAN TUPPAN NAMPUTIRI (*Jenmies, Kottayam Division*) said that besides the major communities of Nayars, Christians and Mahomedans, there were many minor communities who numbered less than a hundred thousand such as Malayala Brahmins, Variars, Moottatus, Elayatus, Nambiars, Tampans, etc. Though these communities were sufficiently advanced in education and there were many qualified men among them, they were inadequately represented in the public service and in the representative institutions of the State. Even if adult suffrage was introduced the members of these communities would not be able to return their own candidates by election from the general constituencies.

LIBRARY ARCHIVES Kerala Legislative Assembly